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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,536	11/12/1998	JOHN J. DWYER	B653-024	6771
47669	7590	09/07/2005	EXAMINER	
KELLEY DRYE & WARREN LLP TWO STAMFORD PLAZA 281 TRESSER BOULEVARD STAMFORD, CT 06901			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/190,536

Applicant(s)

DWYER ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8-11,18-21,23-27,29 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8-11,18-21,23-27,29 and 35-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 13, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1, 8, 10, 11, 18, 20, 21, 23-26, 29 and 36-46** are rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al. (US 6,075,844).

Regarding **claim(s) 1, 11 and 29**, Goldberg discloses a voice data management system (FIG. 1 and column 1, lines 7-14), comprising:

a portable digital audio recorder (100 on FIG. 1), which includes memory means for storing a plurality of voice data files, said memory means storing corresponding header data in association with each of the stored data files (FIG. 1 and column 3, lines 29-42);

a personal computer (120 on FIG. 1);

means for transferring one of said voice data files and the corresponding header data from the portable recorder to the personal computer (FIG. 1 and column 3, lines 43-54);

an information processing device other than said portable recorder and said personal computer (FIG. 1 and column 2, lines 65-67); and

means, interconnecting said personal computer with said other information processing device, for permitting transmission of data from said personal computer to said other data processing device (FIG. 1 and column 2, lines 60-65);

wherein said personal computer reads said header data transferred to the personal computer, and on the basis of said header data, determines whether to transfer the corresponding voice data file to said other information processing device (FIG. 1 and column 3, lines 43-65);

wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of one of (a) an identity of said portable digital audio recorder; (b) a subject matter of the

voice data file corresponding to said header data; and (c) a work type of the voice data file corresponding to said header data (FIG. 1 and column 4, lines 20-28).

Regarding **claim(s) 8 and 18**, Goldberg discloses a voice data management system, wherein said other information processing device is another personal computer (FIG. 1 and column 3, lines 3-28).

Regarding **claim(s) 10, 20 and 36**, Goldberg discloses a voice data management system, wherein said other information processing devices is a voice mail system (FIG. 1 and column 3, lines 3-28).

Regarding **claim(s) 21**, Goldberg discloses a voice data management system (FIG. 1 and column 1, lines 7-14), comprising:

a portable digital audio recorder which includes memory means for storing a plurality of voice data files, said memory means storing corresponding header data in association with each of the stored voice data files (FIG. 1 and column 3, lines 29-42);

a personal computer (120 on FIG. 1):

means for transferring said voice data files and the corresponding header data from the portable recorder to the personal computer (FIG. 1 and column 3, lines 43-54);

a plurality of information processing devices other than said portable recorder and said personal computer (FIG. 1 and column 2, lines 60-65); and

means, interconnecting said personal computer with said plurality of information processing devices, for permitting transmission of data from said personal computer to selected one of said plurality of data processing devices (FIG. 1 and column 2, lines 60-65);

wherein said personal computer reads said header data transferred to the personal computer, and on the basis of said header data, selects one of said plurality of information processing devices to receive a voice data file corresponding to said header data and transmits the corresponding voice data file to the selected data processing device and where one of said plurality of information processing devices selected by said computer is a voice mail system (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 23**, Goldberg disclose all the limitations of **claim(s) 23** as applied to **claim(s) 21** above, in addition Goldberg discloses a method wherein said header data read by said personal computer includes data which identifies said portable digital audio recorder (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 24**, Goldberg disclose all the limitations of **claim(s) 24** as applied to **claim(s) 21** above, in addition Goldberg discloses a method wherein said header data read by said personal computer includes data which identifies an intended recipient for the voice data file corresponding to said header data (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 25**, Goldberg disclose all the limitations of **claim(s) 25** as applied to **claim(s) 21** above, in addition Goldberg discloses a method wherein said header data read by said personal computer includes data which identifies a subject matter of the voice data file corresponding to said header data (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 26**, Goldberg disclose all the limitations of **claim(s) 26** as applied to **claim(s) 21** above, in addition Goldberg discloses a voice data management system, wherein said one of said plurality of information processing devices selected by said personal computer is another personal computer (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 37**, Goldberg discloses a method of operating a voice data management system (FIG. 1 and column 1, lines 7-14), comprising the steps of:

dictating voice information into a portable audio recorder (FIG. 1 and column 3, lines 29-42);

storing the voice information in the portable audio recorder in the form of digital voice data (FIG. 1 and column 3, lines 29-42);

dictating recipient information into the portable audio recorder (FIG. 1 and column 3, lines 29-42);

applying a speech recognition algorithm to said recipient information to generate recipient data (FIG. 1 and column 4, lines 20-28);

transferring said digital voice data from said recorder to a personal computer (FIG. 1 and column 3, lines 43-54);

selecting a data processing device from among a plurality of data processing devices connected to said personal computer, on the basis of said recipient data (FIG. 1 and column 3, lines 43-65); and

transferring said digital voice data from said personal computer to said selected data processing device (FIG. 1 and column 4, lines 29-46).

Regarding **claim(s) 38**, Goldberg disclose all the limitations of **claim(s) 38** as applied to **claim(s) 37** above, in addition Goldberg discloses a method wherein said speech recognition algorithm is applied to said transferred recipient information by said personal computer to generate said recipient data (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 39**, Goldberg disclose all the limitations of **claim(s) 39** as applied to **claim(s) 37** above, in addition Goldberg discloses a method, wherein said speech recognition algorithm is applied to said dictated recipient information by said portable audio recorder to generate said recipient data (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 40**, Goldberg discloses a voice data management system (FIG. 1 and column 1, lines 7-14), comprising:

a portable digital audio recorder which includes a microphone for inputting voice information, memory means for storing said voice information in the form of digital voice

data, and means for designating a portion of said digital voice data as recipient information (FIG. 1 and column 3, lines 29-42);

a personal computer (120 on FIG. 1);

means for transferring digital voice data from said recorder to said personal computer (FIG. 1 and column 3, lines 43-54).

a plurality of data processing devices (FIG. 1 and column 2, lines 60-65);

means interconnecting said personal computer to said data processing devices for transmission of data from said personal computer to said data processing devices (FIG. 1 and column 2, lines 60-67); and

means for generating recipient data by applying a speech recognition algorithm to digital voice data designated as recipient information by said means for designating (FIG. 1 and column 4, lines 20-28);

said personal computer selecting one of said data processing devices separate from said portable recorder and said personal computer on the basis of said recipient data generated by said means for generating, and said personal computer transferring to said selected data processing device digital voice data transferred from said recorder to said personal computer (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 41**, Goldberg disclose all the limitations of **claim(s) 41** as applied to **claim(s) 40** above, in addition Goldberg discloses a voice data management system, wherein said means for generating recipient data is included in said personal computer (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 42**, Goldberg disclose all the limitations of **claim(s) 42** as applied to **claim(s) 40** above, in addition Goldberg discloses a method wherein said means for generating recipient data is included in said portable digital audio recorder (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 43**, Goldberg disclose all the limitations of **claim(s) 43** as applied to **claim(s) 40** above, in addition Goldberg discloses wherein said means for transmission of data from said personal computer to said data processing devices includes a local area network (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 44**, Goldberg discloses a voice data management system according, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of an identity of said portable digital audio recorder (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 45**, Goldberg discloses a voice data management system, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of a subject matter of the voice data file corresponding to said header data (FIG. 1 and column 3, lines 43-65).

Regarding **claim(s) 46**, Goldberg discloses a voice data management system, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of a work type of the voice data file corresponding to said header data (FIG. 1 and column 3, lines 43-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 9, 19, 27 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Breslawsky (US 5,898,916).

Regarding **claim(s) 9, 19 and 35**, Goldberg discloses all the limitations of **claim(s) 9** as stated in **claim(s) 1**'s rejection above but fails to disclose a central dictation system.

However, Breslawsky teaches a central dictation system (14 on FIG.1).

Since a central dictation system would help to have more users recording voice data; therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Goldberg using the central dictation system as taught by Breslawsky.

The modification will help more users accessing the system such that service provider may have the possibility to record and process voice data files in a voice data management system.


Regarding **claim(s) 27**, Breslawsky teaches a voice data management system according, wherein said one of said plurality of information processing device selected by the personal computer is a central dictation system (14 on FIG.1).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
September 1, 2005